

ORIGINAL

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U.S. BANKRUPTCY COURT  
 PATRICIA L. RAY, CLERK

## UNITED STATES BANKRUPTCY COURT

## DISTRICT OF NEVADA

In re: *(Name of Debtor)*  
 USA COMMERCIAL MORTGAGE COMPANY,  
 (and related cases)

Debtor(s)

Case No. BK-S-06-10725 LBR  
 and related cases  
 Adv. # \_\_\_\_\_

Chapter ☐ 7 ☒ 11 ☐ 13

**MOTION FOR PERMISSION TO FILE IN PAPER FORMAT  
 DUE TO EXEMPTION OR EXCEPTIONAL CIRCUMSTANCES**

Pursuant to Administrative Order 04-3, movant Michaelson, Susi & Michaelson Professional Corporation hereby

requests permission to file documents in traditional paper format on the grounds that *(Motion must be accompanied by a supporting affidavit or declaration of the movant):*

☐ Movant is exempt from the requirement that filings be made in electronic form because *(state why):* \_\_\_\_\_

or

☒ Exceptional circumstances exist which prevent filing by electronic means

## 1. Document

The document(s) which the movant seeks permission to file in paper format are  
*(list title of each document):*

OPPOSITION TO DEBTORS' MOTION FOR ORDER APPROVING CASH MANAGEMENT  
 PROCEDURES AND INTERIM USE OF CASH

## 2. Exceptional Circumstances

If permission to file in paper format is sought on the basis of exceptional circumstances, the movant states the following as grounds for the Motion:

(a). ☐ Movant's Internet service is not available due to circumstances which cannot be prevented.

(i). Describe the nature and extent of the circumstances which have made the Internet service unavailable (*be specific*):

N/A

(ii). Describe what steps will be taken to ensure that the Internet service will be operable for electronic filing in the future:

We have started the process for qualifying.

(b). ☐ Other grounds exist for the Exceptional Circumstances Motion (*be specific*):

Movant practices in the Central District of California and has been consulted by several investors in this case within the last week about a hearing on May 3, 2006. Because of the short time to file pleadings, movant cannot qualify timely for electronic filing.

(c). ☐ Movant has filed a prior Exceptional Circumstances Motion

(i). Number of prior motion(s): None

(ii). Date of the prior motion(s): \_\_\_\_\_

(iii). Reason for the prior motion(s): \_\_\_\_\_

(iv). Case number and disposition for each prior motion: \_\_\_\_\_

3. ☒ Movant's affidavit or declaration supporting this Motion is attached pursuant to Section 3(b)(i) of Administrative Order 04-3.

4. ☒ Movant hereby also submits a proposed order pursuant to Administrative Order 04-3 at Section 3(b)(ii).

Based upon the foregoing, movant requests that the Court grant the Motion.

Date: April 26, 2006

*Movant's signature*

December 20, 2004

DECLARATION OF PETER SUSI IN SUPPORT OF  
MOTION FOR PERMISSION TO FILE IN PAPER FORMAT

I, Peter Susi, declare:

1. I am a member of Michaelson, Susi & Michaelson, a Professional Corporation, attorneys for various objecting investors in this case.

2. Our firm practices primarily in the Bankruptcy Court in the Central District of California and submits documents electronically in accordance with its rules. We have not previously practiced in the District of Nevada, and are requesting permission to do so in this case only.

3. We have been consulted by several investors and asked to file pleadings for a hearing scheduled by this court on May 3, 2006. In order to do so on a timely basis, we do not have time to qualify for electronic filing, but are taking all appropriate steps to do so for future filings.

4. Our firm has never previously filed an Exceptional Circumstances Motion.

I declare under penalty of perjury that the foregoing is true and correct.

Executed this 26<sup>th</sup> day of April, 2006, at Santa Barbara, California.



PETER SUSI for Michaelson, Susi & Michaelson, Movant